

Application No.: 10/038,545Docket No.: H1139.0107REMARKS

Claims 1 to 12 are pending and stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,563,613 to Tochio in view of U.S. Patent 5,930,018 to Effenberger. By this Amendment, applicant respectfully amended claims 1 and 5 to advance the prosecution of the subject application and requests reconsideration of the subject application in view of the above amendments and the following remarks.

Independent claims 1 and 5 as amended each require judging whether the transmission line distance between the station equipment and each subscriber unit is larger or smaller than a predetermined reference value.

The Office Action acknowledged that *"Tochio does not specifically disclose that the transmission distances are compared to a reference value in order to determine whether it is smaller or larger."* The Office Action then cited Effenberger for its teaching of "order[ing] the subscriber units in ascending order" and asserted that the reference value [in Effenberger] would be the value that is used in comparison to the measured value when sorting the units. Applicant respectfully disagrees.

Effenberger teaches to measure the time necessary to transmit information to each ONU to tell which ONU is the closest, which ONU is farthest away and the respective distances of the intermediate ONUs (see column 2, lines 45-49). The ONU controller in Effenberger requests communications from the nearest ONU first and then the next nearest ONU (see column 2, lines 54-57). The information returned by ONUs is in ascending order (see column 3, lines 14 -15).

Effenberger however does not teach to use a predetermined reference value when sorting the ONUs in ascending order from nearest to farthest or when requesting communications from the ONUs. In contrast, Effenberger starts with the nearest ONU and goes to the next nearest ONU, comparing the measured times with one another instead to a predetermined reference value as required in independent claims 1 and 5.

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Therefore, Effenberger does not disclose the above feature required in independent claims 1 and 5.

In view of the above, applicant respectfully submits that the claimed invention is not obvious over Tochio and Effenberger. Accordingly, the subject rejection is believed to be overcome, withdrawal of which is respectfully requested. All pending claims in the subject application are believed to be in condition for allowance.

No fee is believed to be due for this Amendment. Should any fee be required, please charge such fee to Deposit Account No. 50-2215.

Respectfully submitted,

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